

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

TRAVIS EARL CASTEEL, )  
                            )  
Plaintiff,               )  
                            )  
                            )  
VS.                       )                          No. 19-1236-JDT-cgc  
                            )  
                            )  
JOHNNY ALEXANDER, ET AL., )  
                            )  
Defendants.             )

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ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER  
*IN FORMA PAUPERIS* AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE

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On October 7, 2019, Plaintiff Travis Earl Casteel filed a *pro se* civil complaint. (ECF No. 1.) At the time, Casteel was incarcerated at the Hardin County Jail in Savannah, Tennessee. The Court issued an order on October 9, 2019, granting Casteel's motion for leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) However, on January 10, 2020, Casteel notified the Clerk he had been released and provided his current address. (ECF No. 8.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 requires by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to pay the filing fee in monthly installments. 28 U.S.C. § 1915(b). However, in this case, no part of the filing fee was paid prior to Casteel's release. Under these circumstances, the Sixth Circuit has held "the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore v. Wrigglesworth*, 114 F.3d

601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Casteel must either renew his pauper status or pay the civil filing fee. Therefore, he is ORDERED to submit, on or before February 24, 2020, either a non-prisoner *in forma pauperis* affidavit or the entire \$400 filing fee.<sup>1</sup> The Clerk shall mail Casteel a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ James D. Todd  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$50 for filing any civil case also is required. Because that additional \$50 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the October 9th order. If Casteel does not renew his pauper status he will be responsible for the entire \$400 fee.